

UNITED STATES BANKRUPTCY COURT
FOR THE MIDDLE DISTRICT OF NORTH CAROLINA
DURHAM DIVISION

In Re:

Barry Buchanan & Louise Buchanan

Social Security No.:

xxx-xx-5740 and xxx-xx-2583

Address:

1829 Front Street, Apt. F-10, Durham, NC 27705-

Case No. 11-80461- -

Chapter 13

Debtors

MOTION FOR SANCTIONS

NOW COME the above Debtors, by and through the undersigned counsel, and respectfully move the Court to find that the Villages at Harborside Condominium Association, Inc. (hereinafter "Harborside") and CSI Property Management, (hereinafter "CSI") willfully violated the automatic stay of 11 U.S.C. § 362. In support thereof, the Debtors respectfully show the court as follows:

1. The Debtors filed a voluntary Chapter 13 bankruptcy petition on March 18, 2011.
2. The Debtors listed Harborside and CSI on Schedule D of their petition as holding a lien against property located at 7853 Village Harbor Drive, Unit 10, Cornelius NC 28031, at the last know address of:

Villages @ Harborside Association
c/o CSI Property Management
Post Office Box 531135
Atlanta GA 30353

3. That, upon information and belief, Harborside and CSI received notice of this bankruptcy.
4. That the Debtors' proposed plan surrenders this property to, among other lienholder, Harborside and/or CSI.
5. That, upon information and belief, neither Harborside nor CSI have sought or received relief from stay pursuant to 11 U.S.C. § 362.
6. That on or about August 17, 2011, Harborside by and through CSI, sent the Debtors a letter demanding payment in the amount of \$1,041.00. A copy of said letter is attached hereto as Exhibit A.
7. That on or about August 29, 2011, Harborside by and through CSI, sent the Debtors a letter demanding that the Debtors maintain said property. A copy of said letter is attached hereto as Exhibit B.

8. Said correspondence were not, upon information and belief, sent to Debtors' counsel.
9. Said correspondence were willful violations by Harborside and CSI of the automatic stay of 11 U.S.C. § 362.
10. As a result of said violations, the Debtors suffered actual damages, including without limitation attorneys' fees.

WHEREFORE the Debtors respectfully pray that the Court find that the Villages at Harborside Condominium Association, Inc. and CSI Property Management willfully violated the automatic stay of 11 U.S.C. § 362, award the Debtors actual and punitive damages, including without limitation attorneys' fees, and for any other relief the Court deems just and proper.

Dated: September 19, 2011

LAW OFFICES OF JOHN T. ORCUTT, P.C.

/s Edward C. Boltz

Edward C. Boltz

North Carolina State Bar No.: 23003

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CERTIFICATE OF SERVICE

I, Dawn DeFrance, certify under penalty of perjury that I am, and at all times hereinafter mentioned was, more than eighteen (18) years of age and that on September 19, 2011 , I served copies of the foregoing **MOTION SANCTIONS** electronically, or when unavailable, by regular first-class U.S. mail, addressed to the following parties:

Richard M. Hutson, II
Chapter 13 Trustee

Michael West
U.S. Bankruptcy Administrator

Barry & Louise Buchanan
1829 Front Street
Apt. F-10
Durham NC 27705

and by certified mail, return receipt requested:

The Villages at Harborside Condominium Association c/o CSI Property Management Post Office Box 531135 Atlanta GA 30353	The Villages at Harborside Condominium Association c/o CSI Property Management Post Office Box 105007 Atlanta GA 30348-5007
The Villages at Harborside Condominium Association c/o CSI Property Management Post Office Box 4810 Davidson, NC 28036	

/s Renee Nolte
Renee Nolte